

U.S. Department of Justice



*United States Attorney
Southern District of New York*

*The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007*

October 31, 2023

BY ECF

The Honorable Paul G. Gardephe
United States District Judge
Southern District of New York
40 Foley Square
New York, New York 10007

Re: *United States v. Yiyi Chen, 23 Cr. 302 (PGG)*

Dear Judge Gardephe:

As directed by the Court during the conference held on October 24, 2023, the Government respectfully submits this joint letter on behalf of the parties to update the Court as to what the parties have learned regarding defendant Yiyi Chen's access to discovery at the Metropolitan Detention Center ("MDC") and how they intend to proceed with respect to the matter.

The Government has advised Marlon Kirton, Esq., counsel for the defendant, that it has learned from MDC that there are approximately 100 female inmates in the defendant's unit, approximately 65 of which either (a) have been sentenced and are awaiting transport to their designated correctional facilities or (b) are awaiting sentencing—i.e., these approximately 65 inmates do not need to regularly review their discovery. That leaves approximately 35 female inmates in the unit at various stages of the pretrial process in their respective cases and who may need to access their discovery. It is unknown how many of those 35 female inmates have discovery that is subject to a protective order that requires them, per MDC policy, to view their discovery in MDC's law library instead of on a computer in the unit. There are multiple computers in the defendant's unit, but only one is for viewing discovery. The unit, however, is an open dormitory setting that allows inmates to walk around freely without confinement to their cells. As a result, inmates can view their discovery on the computer at will throughout the day. The Government understands from MDC that there should have been—and will continue to be—no issue with the defendant being able to access her discovery via the unit's discovery computer under these circumstances.

Mr. Kirton requires more time to ascertain whether the defendant has in fact made use of the discovery computer in her unit and accessed her discovery. Mr. Kirton respectfully takes no

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position on the above account by the Government and requests to provide a further update to the Court as to the defendant's access to discovery in one week.

Respectfully submitted,

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cc: Marlon Kirton, Esq. (*by ECF*)